

AMENDED IN ASSEMBLY APRIL 17, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1844

Introduced by Assembly Member Campos
*(Coauthors: Assembly Members Roger Hernández, Hueso, Portantino,
and Wieckowski)*

February 22, 2012

An act to add Chapter 2.5 (commencing with Section 980) to Part 3 of Division 2 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1844, as amended, Campos. Employer use of social media.

Existing law generally regulates the conduct of employers in the state.

This bill would prohibit an employer from requiring *a an employee or* prospective employee to disclose a user name or account password to access a personal social media account that is exclusively used by the *employee or* prospective employee.

Existing law imposes various duties on employers. Under existing common law, an employer has a duty to exercise reasonable care in employing a person and is required to use reasonable care to discover whether a potential employee is unfit or incompetent.

This bill would state that an employer does not have a duty to search or monitor social media before hiring an employee.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.5 (commencing with Section 980) is added to Part 3 of Division 2 of the Labor Code, to read:

CHAPTER 2.5. EMPLOYER USE OF SOCIAL MEDIA

980. As used in this chapter, “social media” includes any electronic medium where users may create, share, and view user-generated content, including uploading or downloading videos or still photographs, blogs, video blogs, podcasts, instant messages, or online social networking content.

981. An employer shall not require—~~a~~ *an employee or* prospective employee to disclose a user name or account password to access a personal social media account that is exclusively used by the *employee or* prospective employee.

982. An employer does not have a duty to search or monitor social media before hiring an employee.